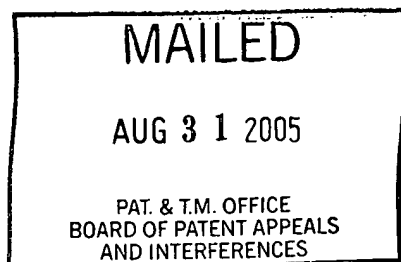




UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Richard E. Schafer
Telephone: (571) 272-9797
Facsimile: (571) 273-0042



Applicants: Rauch et al.
Application No.: 09/378,045
Filed: 08/20/99
For: Receptor that binds trail

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,240.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

Richard E. Schafer
Administrative Patent Judge

INTERFERENCE DIGEST

Interference No. 105,240

Paper No.

Name: Charles Rauch et al.

Serial No.: 09/378,045

Patent No.

Title: Receptor that binds trail

Filed: 08/20/99

Interference with Ni et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.

Filed by: Richard E. Schafer
Administrative Patent Judge
Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Filed
August 31, 2005

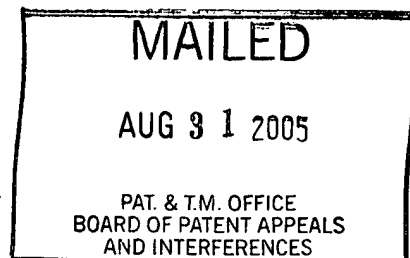
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Human Genome Sciences, Inc.
Junior Party
(Patent 6,872,568;
Inventors: Jian Ni, Reiner L. Gentz, Guo-Liang Yu, Craig A. Rosen),

v.

Immunex Corp.
Senior Party
(Application 09/378,045;
Inventors: Charles Rauch, Henning Walczak).



Patent Interference No. 105,240 (RES)

DECLARATION

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Richard E. Schafer has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

Part C. Standing order

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **2:30 p.m. on October 31, 2005** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

Part E. Identification and order of the parties

Junior Party

Named inventors:	Jian Ni, Rockville, MD Reiner L. Gentz, Rockville, MD Guo-Liang Yu, Berkeley, CA Craig A. Rosen, Laytonsville, MD
Patent:	6,872,568, granted March 29, 2005, based on Application 09/565,009, filed May 4, 2000
Title:	Death domain containing receptor 5 antibodies
Assignee:	Human Genome Sciences, Inc.
Accorded Benefit:	None

Senior Party

Named Inventors:	Charles Rauch, Bainbridge Island, WA Henning Walczak, Heidelberg, Germany
Application:	09/378,045, filed August 20, 1999
Title:	Receptor that binds trail
Assignee:	Immunex Corp.
Accorded Benefit:	None

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

Part F. Count and claims of the parties

Count 1

Claim 21 of Ni U.S. Patent 6,872,568 or Claim 84 of Rauch Application 09/378,045.

The claims of the parties are:

Ni: 1-52

Rauch: 82-94, 100-103, 105-117

The claims of the parties which correspond to Count 1 are:

Ni: 1-6, 8-19, 21-32, 34-45 and 47-52

Rauch: 82-94, 100-103, 105-117

The claims of the parties which do not correspond to Count 1, and are therefor not involved in this interference, are:

Ni: 7, 20, 33, 46

Rauch: None

Part G. Heading to be used on papers

The heading in SO Form 1 must be used on all papers filed in this interference. SO ¶ 7.2.1.

The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

(Administrative Patent Judge Richard E. Schafer)

Human Genome Sciences, Inc.

Junior Party

(Patent 6,872,568;

Inventors: Jian Ni, Reiner L. Gentz, Guo-Liang Yu, Craig A. Rosen),

v.

Immunex Corp.

Senior Party

(Application 09/378,045;

Inventors: Charles Rauch, Henning Walczak).

Patent Interference No. 105,240 (RES)

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/ss/ Richard E. Schafer
RICHARD E. SCHAFER
Administrative Patent Judge

Enc:

Copy of STANDING ORDER

Copy U.S. Patent 6,872,568

Copy of claims of Application 09/378,045.

Revised September 2004

cc (via overnight delivery):

Attorney for Human Genome Sciences:

STERNE KESSLER GOLDSTEIN & FOX PLLC
1100 New York Avenue
Suite 600
Washington, DC 20005-3934

Tel: 202-371-2600
Fax: 202-371-2540

Attorney for Immunex:

IMMUNEX CORPORATION
Law Department
1201 Amgen Court West
Seattle, WA 98119

Tel: 206-265-7000